

municipality contiguous to that municipality may enter into an agreement providing concurrent jurisdiction for the municipal courts of either jurisdiction for all criminal cases arising from offenses under state law that are:

- (1) committed on the boundary of those municipalities or within 200 yards of that boundary; and
- (2) punishable by fine only.

SECTION 2. Section 29.003(h), Government Code, is amended to read as follows:

(h) A municipality with a population of 1.19 [1.9] million or more and another municipality contiguous to that municipality may enter into an agreement providing concurrent jurisdiction for the municipal courts of either jurisdiction for all criminal cases arising from offenses under state law that are:

- (1) committed on the boundary of those municipalities or within 200 yards of that boundary; and
- (2) punishable by fine only.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed the Senate on March 30, 2015: Yeas 30, Nays 0; the Senate concurred in House amendment on May 28, 2015: Yeas 31, Nays 0; passed the House, with amendment, on May 22, 2015: Yeas 140, Nays 0, two present not voting.

Approved June 19, 2015.

Effective June 19, 2015.

**TRANSFER OF CERTAIN STATE PROPERTY FROM THE
TEXAS DEPARTMENT OF TRANSPORTATION TO THE
SHEPHERD INDEPENDENT SCHOOL DISTRICT; REQUIRING
THE PAYMENT OF CERTAIN TRANSACTION FEES**

CHAPTER 1155

S.B. No. 638

AN ACT

relating to the transfer of certain state property from the Texas Department of Transportation to the Shepherd Independent School District; requiring the payment of certain transaction fees.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. (a) Not later than September 30, 2015, the Texas Department of Transportation shall transfer to the Shepherd Independent School District the real property described by Subsection (f) of this section.

(b) The Shepherd Independent School District may use the property transferred under this Act only for a purpose that benefits the public interest of the state. If the Shepherd Independent School District uses the property for any purpose other than a purpose that benefits the public interest of the state, the Shepherd Independent School

District shall pay to the Texas Department of Transportation an amount equal to the fair market value of the property on the date the Shepherd Independent School District begins using the property for the purpose other than a purpose that benefits the public interest of the state, less the amount that the Shepherd Independent School District paid to the Texas Department of Transportation under Subsection (c) of this section.

(c) On the effective date of the transfer authorized under Subsection (a) of this section, the Shepherd Independent School District shall pay an amount to reimburse the Texas Department of Transportation for the department's actual costs to acquire the property. If the Texas Department of Transportation cannot determine that amount, the amount shall be determined based on the average historical property acquisition values for property located in proximity to the property described by Subsection (f) of this section on the date of original acquisition of the property by the Texas Department of Transportation. Money received by the Texas Department of Transportation under this subsection shall be deposited in the state highway fund and used in the Texas Department of Transportation district in which the property is located.

(d) The Texas Department of Transportation shall transfer the property by an appropriate instrument of transfer. The instrument of transfer must:

(1) provide that:

(A) the Shepherd Independent School District may use the property only for a purpose that benefits the public interest of the state; or

(B) if the Shepherd Independent School District uses the property for any purpose other than a purpose that benefits the public interest of the state, the Shepherd Independent School District shall pay to the Texas Department of Transportation an amount equal to the fair market value of the property on the date the Shepherd Independent School District begins using the property for the purpose other than a purpose that benefits the public interest of the state, less the amount paid to the Texas Department of Transportation under Subsection (c) of this section;

(2) retain for the State of Texas:

(A) a 0.2583 acre tower site; and

(B) a 0.1570 acre access easement to the tower site; and

(3) describe the property to be transferred by metes and bounds.

(e) The Texas Department of Transportation shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of San Jacinto County.

(f) The real property referred to in this section is described as follows:

12.2138 acres of land, being out of and a part of that certain State of Texas called 2.47 acre tract described in Volume 60 Page 69 of the San Jacinto County Deed Records (SJCCF#1951-001138) and all of that certain State of Texas called 10.00 acre tract described in Volume 230 Page 664 of the Official Public Records of San Jacinto County (SJCCF#1983-002691), out of the William Logan Survey A-25 in San Jacinto County, Texas, said 12.2138 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod set in a fence corner on the North right-of-way line of State Highway No. 150 (100 foot wide) marking the Southwest corner of that certain Judson D. Jarboe called 1.6 acre tract described in Volume 106 Page 346 of the San Jacinto County Deed Records (SJCCF#1967-001881) and the Southeast corner of said called 2.47 acre tract, same being the Most Westerly Southeast corner and PLACE OF BEGINNING of the tract herein described;

THENCE South 81°20'16" West, with the North right-of-way line of said State Highway No. 150 and the South line of said called 2.47 acre tract, at 30.43 feet pass a concrete nail set in asphalt pavement, at 155.96 feet pass a concrete nail set in asphalt pavement marking the Most Westerly Southeast corner of a 0.1570 acre access easement to a 0.2583 acre tower site to be retained by the State of Texas, at 176.24 feet pass a concrete

nail set in asphalt pavement marking the Southwest corner of said 0.1570 acre access easement to a 0.2583 acre tower site to be retained by the State of Texas, in all a total distance of 208.70 feet to a 5/8 inch iron rod set in a fence corner marking the Southeast corner of that certain City of Shepherd called 16 acre tract described in Volume 137 Page 757 of the Official Public Records of San Jacinto County (SJCCF#1991-005476) and the Southwest corner of said called 2.47 acre tract, same being the Most Easterly Southwest corner of the tract herein described;

THENCE North 00°57'32" East, with the fenced East line of said called 16 acre tract, same being the fenced West line of said called 2.47 acre tract, a distance of 538.92 feet to a chain link fence corner post found on the South line of said called 10.00 acre tract marking a corner of said called 10.00 acre tract, the Northeast corner of said called 16 acre tract and the Northwest corner of said called 2.47 acre tract, same being a Re-entrant corner of the tract herein described;

THENCE South 89°54'46" West, with the fenced North line of said called 16 acre tract, same being the fenced South line of said called 10.00 acre tract, a distance of 520.78 feet to a 3 inch square concrete monument found in a fence corner marking the Southeast corner of that certain Michael Flynn, Jr., et al. called 26.742 acre tract described in San Jacinto County Clerk File No. 2005-006416 of the Official Public Records of San Jacinto County and the Southwest corner of said called 10.00 acre tract, same being the Most Northerly Southwest corner of the tract herein described (the above mentioned fence is a chain link fence that is approximately One foot North of the property line);

THENCE North 00°52'32" West, with the fenced East line of said called 26.742 acre tract, same being the fenced West line of said called 10.00 acre tract, a distance of 583.95 feet to a 3 inch square concrete monument found in a fence corner on the South line of that certain Bernard B. Kendall called 10.645 acre tract described in Volume 213 Page 281 of the San Jacinto County Deed Records (SJCCF#1982-000549) marking the Northeast corner of said called 26.742 acre tract and the Northwest corner of said called 10.00 acre tract, same being the Northwest corner of the tract herein described (the above mentioned fence is a chain link fence that is approximately One foot East of the property line);

THENCE North 89°35'07" East, with the fenced South line of said called 10.645 acre tract, same being the fenced North line of said called 10.00 acre tract, a distance of 334.20 feet to a 1/2 inch iron rod found marking the Southeast corner of said called 10.645 acre tract, the Southwest corner of that certain George W. Cox, et ux. called 10.66 acre tract described in Volume 123 Page 657 of the Official Public Records of San Jacinto County (SJCCF#1991-001094) and a corner of said called 10.00 acre tract, same being a corner of the tract herein described (the above mentioned fence is a chain link fence that is approximately One foot South of the property line);

THENCE North 89°20'11" East, with the fenced South line of said called 10.66 acre tract, same being the fenced North line of said called 10.00 acre tract, a distance of 420.05 feet to a 3 inch square concrete monument found in a fence corner marking the Northwest corner of that certain Glennon M. Dillon, et ux. called 5.09 acre tract described in San Jacinto County Clerk File No. 2004-004887 of the Official Public Records of San Jacinto County and the Northeast corner of said called 10.00 acre tract, same being the Northeast corner of the tract herein described (the above mentioned fence is a chain link fence that is approximately One foot South of the property line);

THENCE South 01°23'09" West, with the fenced West line of said called 5.09 acre tract, same being the fenced East line of said called 10.00 acre tract, at 531.10 feet pass the Northwest corner of a called sixty (60) foot wide ingress/egress easement described in San Jacinto County Clerk File No. 2004-004887 of the Official Public Records of San Jacinto County, in all a total distance of 591.60 feet to a 3 inch square concrete monument found in a fence corner on the North line of said called 1.6 acre tract marking the Southwest corner of said called 5.09 acre tract, the Southwest corner of said called sixty (60) foot wide ingress/egress easement and the Southeast corner of said called 10.00 acre tract, same being the Most Northerly Southeast corner of the tract herein described (the above mentioned fence is a chain link fence that is approximately One foot West of the property line);

THENCE South 84°28'26" West, with the fenced North line of said called 1.6 acre tract, same being the fenced South line of said called 10.00 acre tract, a distance of 4.42 feet to a chain link fence corner post found marking the Northwest corner of said called 1.6 acre tract, a corner of said called 10.00 acre tract and the Northeast corner of said called 2.47 acre tract, same being a Re-entrant corner of the tract herein described

THENCE South 00°57'49" West, with the fenced West line of said called 1.6 acre tract, same being the fenced East line of said called 2.47 acre tract, a distance of 140.69 feet to a 5/8 inch iron rod set marking the Northeast corner of said 0.2583 acre tower site to be retained by the State of Texas, same being a corner of the tract herein described (from said set 5/8 inch iron rod a 5/8 inch iron rod set in a fence corner on the North right-of-way line of said State Highway No. 150 marking the Southeast corner of said called 2.47 acre tract bears South 00°57'49" West 365.33 feet);

THENCE North 89°02'11" West, crossing said called 2.47 acre tract perpendicular to the fenced West line of said called 1.6 acre tract, same being the fenced East line of said called 2.47 acre tract, with the North line of said 0.2583 acre tower site to be retained by the State of Texas, a distance of 75.00 feet to a concrete nail set in asphalt pavement marking the Northwest corner of said 0.2583 acre tower site to be retained by the State of Texas, same being a Re-entrant corner of the tract herein described;

THENCE South 00°57'49" West, crossing said called 2.47 acre tract parallel with and 75.00 feet West of the fenced West line of said called 1.6 acre tract, same being the fenced East line of said called 2.47 acre tract, with the West line of said 0.2583 acre tower site to be retained by the State of Texas, at 130.00 feet pass a concrete nail set in asphalt pavement marking the Northeast corner of said 0.1570 acre access easement to said 0.2583 acre tower site to be retained by the State of Texas, in all a total distance of 150.00 feet to a concrete nail set in asphalt pavement marking the Most Northerly Southeast corner of said 0.1570 acre access easement to said 0.2583 acre tower site to be retained by the State of Texas and the Southwest corner of said 0.2583 acre tower site to be retained by the State of Texas, same being a Re-entrant corner of the tract herein described;

THENCE South 89°02'11" East, crossing said called 2.47 acre tract perpendicular to the fenced West line of said called 1.6 acre tract, same being the fenced East line of said called 2.47 acre tract, with the South line of said 0.2583 acre tower site to be retained by the State of Texas, at 45.00 feet pass a 5/8 inch iron rod set as a reference point, in all a total distance of 75.00 feet to a 5/8 inch iron rod set on the fenced West line of said called 1.6 acre tract, same being the fenced East line of said called 2.47 acre tract, marking the Southeast corner of said 0.2583 acre tower site to be retained by the State of Texas, same being a corner of the tract herein described;

THENCE South 00°57'49" West, with the fenced West line of said called 1.6 acre tract, same being the fenced East line of said called 2.47 acre tract, a distance of 215.33 feet to the PLACE OF BEGINNING and containing 12.2138 acres of land, more or less.

The above described tract is a 12.4721 acre tract, being all of that certain State of Texas called 2.47 acre tract described in Volume 60 Page 69 of the San Jacinto County Deed Records (SJCCF#1951-001138) and all of that certain State of Texas called 10.00 acre tract described in Volume 230 Page 664 of the Official Public Records of San Jacinto County (SJCCF#1983-002691), out of the William Logan Survey A-25 in San Jacinto County, SAVE AND EXCEPT, a 0.2583 acre tower site out of said called 2.47 acre tract to be retained by the State of Texas as Texas, resulting in 12.2138 acres of land, more or less.

(g) The Shepherd Independent School District shall pay any transaction fees resulting from the transfer of property under this Act.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed the Senate on April 29, 2015: Yeas 31, Nays 0; passed the House on May 27, 2015: Yeas 136, Nays 8, two present not voting.

Approved June 19, 2015.

Effective June 19, 2015.

**EXCLUDING A FRANCHISOR AS AN EMPLOYER OF A
FRANCHISEE OR A FRANCHISEE'S EMPLOYEES**

CHAPTER 1156

S.B. No. 652

AN ACT

relating to excluding a franchisor as an employer of a franchisee or a franchisee's employees.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 21, Labor Code, is amended by adding Section 21.0022 to read as follows:

Sec. 21.0022. FRANCHISORS EXCLUDED. (a) In this section, "franchisee" and "franchisor" have the meanings assigned by 16 C.F.R. Section 436.1.

(b) For purposes of this chapter, a franchisor is not considered to be an employer of:

(1) a franchisee; or

(2) a franchisee's employees.

(c) With respect to a specific claim for relief under this chapter made by a franchisee or a franchisee's employee, this section does not apply to a franchisor who has been found by a court of competent jurisdiction in this state to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

SECTION 2. Subchapter A, Chapter 61, Labor Code, is amended by adding Section 61.0031 to read as follows:

Sec. 61.0031. FRANCHISORS EXCLUDED. (a) In this section, "franchisee" and "franchisor" have the meanings assigned by 16 C.F.R. Section 436.1.

(b) For purposes of this chapter, a franchisor is not considered to be an employer of:

(1) a franchisee; or

(2) a franchisee's employees.

(c) With respect to a specific claim for relief under this chapter made by a franchisee or a franchisee's employee, this section does not apply to a franchisor who has been found by a court of competent jurisdiction in this state to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

SECTION 3. Subchapter A, Chapter 62, Labor Code, is amended by adding Section 62.006 to read as follows:

Sec. 62.006. FRANCHISORS EXCLUDED. (a) In this section, "franchisee" and "franchisor" have the meanings assigned by 16 C.F.R. Section 436.1.

(b) For purposes of this chapter, a franchisor is not considered to be an employer of:

(1) a franchisee; or

(2) a franchisee's employees.

(c) With respect to a specific claim for relief under this chapter made by a franchisee or a franchisee's employee, this section does not apply to a franchisor who has been found by a court of competent jurisdiction in this state to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

SECTION 4. Chapter 91, Labor Code, is amended by adding Section 91.0013 to read